

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONFORMIS, INC.,

Plaintiff,

v.

ACACIA RESEARCH
GROUP LLC, ADVANCED SKELETAL
INNOVATIONS LLC, BONUTTI
SKELETAL INNOVATIONS LLC, and
PHILLIP MITCHELL,

Defendants.

CIVIL ACTION NO. 1:13-cv-10377-PBS

STIPULATION FOR DISMISSAL

WHEREAS, Bonutti Skeletal Innovations LLC (“Bonutti”) commenced an action against ConforMIS, Inc. (“ConforMIS”) on September 10, 2012, *Bonutti Skeletal Innovations v. ConforMIS, Inc.*, Civil Action No. 1:12-cv-01109-GMS (“the Delaware action”), which relates to alleged infringement of U.S. Patent No. 7,806,896 (the “’896 patent”);

WHEREAS, Plaintiff ConforMIS brought the above-captioned action (“the Massachusetts action”) against Defendants Acacia Research Group LLC (“Acacia”), Advanced Skeletal Innovations LLC (“Advanced Skeletal”), Bonutti Skeletal Innovations LLC, and Phillip Mitchell on February 25, 2013, for declaratory judgment of noninfringement and invalidity of the ’896 patent, as well as for Massachusetts state law claims of breach of contract, misappropriation, misrepresentation, and unfair business practices (D.I. 1);

WHEREAS, ConforMIS filed a Motion to Dismiss for Failure to State a Claim, or, Alternatively, to Transfer to the United States District Court for the District of Massachusetts,

(*Bonutti Skeletal Innovations v. ConforMIS, Inc.*, Civil Action No. 1:12-cv-01109-GMS (“the Delaware action”) on February 25, 2013 in the Delaware action (D.I. 10);

WHEREAS, the parties to the Massachusetts action agreed to a procedure to streamline the resolution of disputed issues, and to conserve the parties’ and judicial resources, by staying this action pending the resolution of ConforMIS’s Motion to Dismiss for Failure to State a Claim, or, Alternatively, to Transfer to the United States District Court for the District of Massachusetts;

WHEREAS, the Delaware Court has denied ConforMIS’s motion to transfer the Delaware action to the United States District Court for the District of Massachusetts;

WHEREAS, the parties have agreed to proceed with the litigation in the United States District Court for the District of Delaware and Acacia, Phillip Mitchell, and Advanced Skeletal have agreed not to contest personal or subject matter jurisdiction over ConforMIS’s Massachusetts state law claims, but shall have an opportunity to move to dismiss ConforMIS’s claims on the bases raised by those parties in the Massachusetts action;

The parties in the above-entitled action, by their attorneys, hereby stipulate and agree that the action be Dismissed, without prejudice, and without costs pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

Dated: June 2, 2014

Respectfully submitted,

/s/ Sanya Sukduang

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non registered participants on June 2, 2014.

/s/ Sanya Sukduang
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